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7 Attorneys for Debtor

8  
9 UNITED STATES BANKRUPTCY COURT

10 DISTRICT OF OREGON

11 In re

Case No. 16-32311-pcm11

12 Peak Web LLC,

13 Debtor.

14 Mark Calvert, Litigation Trustee of the Peak  
15 Web Litigation Trust,

Adv. Proc. No.

16 Plaintiff,

**COMPLAINT TO AVOID AND  
RECOVER AVOIDABLE  
TRANSFERS PURSUANT TO  
11 U.S.C. §§ 547 AND 550**

17 v.

18 Amur Equipment Finance, Inc., fka Axis  
19 Capital Inc., a Nebraska corporation,

20 Defendant.

21 Mark Calvert, the duly-appointed Litigation Trustee of the Peak Web  
22 Litigation Trust created by this bankruptcy case (the "Litigation Trustee"), brings this  
23 adversary proceeding against Amur Equipment Finance, Inc., fka Axis Capital Inc.  
24 ("Defendant") to avoid and recover avoidable transfers pursuant to 11 U.S.C. §§ 547 and 550  
25 and alleges as follows:

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1 meaning of 11 U.S.C. § 547.

2 20. The Litigation Trustee is entitled to judgment against Defendant  
3 avoiding the Transfers under 11 U.S.C. § 547.

4 **COUNT II**

5 **(Recovery of Transfers Pursuant to 11 U.S.C. § 550)**

6 21. The Litigation Trustee realleges and incorporates all prior paragraphs  
7 of this Complaint as if set forth fully herein.

8 22. Defendant was the initial transferee of the Transfers, or the immediate  
9 or mediate transferee of the initial Transfers, or the person for whose benefit the Transfers  
10 were made.

11 23. The Transfers, to the extent they are avoided pursuant to 11 U.S.C.  
12 § 547, may be recovered by the Litigation Trustee pursuant to 11 U.S.C. § 550(a).

13 24. The Trustee is entitled to prejudgment interest.

14 **RELIEF REQUESTED**

15 WHEREFORE, the Litigation Trustee prays for judgment as follows:

16 1. Avoiding the Transfers under 11 U.S.C. § 547(b);

17 2. Pursuant to 11 U.S.C. § 550(a), directing Defendant to pay to the  
18 Litigation Trustee an amount to be determined at trial that is not less than the full amount of  
19 the Transfers;

20 3. Granting judgment in favor of the Litigation Trustee and against  
21 Defendant in an amount equal to the aggregate amount of the Transfers, plus applicable  
22 prejudgment interest;

23 4. Directing that no payments be made on account of any allowed claims  
24 of Defendant against Debtor pursuant to 11 U.S.C. § 502(d) unless Defendant has paid the  
25 Transfers to the Litigation Trust;

26 \* \* \*

1                   5.       Awarding the Litigation Trustee its reasonable costs incurred herein;  
2   and

3                   6.       Granting the Litigation Trustee such other and further relief as the  
4   Court deems just and equitable.

5                   DATED this 30th day of May, 2018.

6                                   TONKON TORP LLP

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8                                   By /s/ Ava L. Schoen

9   Timothy J. Conway, OSB No. 851752  
10   Ava L. Schoen, OSB No. 044072  
  Attorneys for Mark Calvert, Litigation Trustee  
  of the Peak Web Litigation Trust

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**EXHIBIT 1**

**Amur Equipment Finance, Inc.,  
fka Axis Capital Inc.**

<b>Date of Payment</b>	<b>Amount of Payment</b>
3/30/2016	\$88,313.71
5/02/2016	\$33,904.57
<b>TOTAL:</b>	<b>\$122,218.28</b>